



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

January 19, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet, you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 379 062 887#

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## Call to Order and Pledge of Allegiance

## Roll Call of Commissioners

**Public Comment.** This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

## Meeting Minutes:

- a) [January 5, 2023 Meeting Minutes](#)

## Public Hearings

- a) [Application VC22-01 Staff Report](#)

## Staff Updates:

### Pending Applications

### Housing Needs Analysis

### Transportation System Plan Committee

## Round Table Discussions (Committee comments about topics not listed on the agenda)

## Adjournment

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend.

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

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*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.*

## Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
  - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:

**READ:** “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”

- Declarations by the Commission:
  - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
  - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
  - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
  - Review of application
  - Discussion of relative Criteria that must be used
  - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
  - Applicant's Testimony
  - Proponents' Testimony
    - Testimony from those wishing to speak in favor of the application
  - Opponents' Testimony
    - Testimony from those wishing to speak in opposition of the application
  - Neutral Testimony
    - Testimony from those that are neither in favor nor in opposition of the application.
  - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
  - Motion
    - Approval
    - Denial
    - Approval with Conditions
    - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
  - Recommendation made by Planning Commission—City Council makes final decision.

If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



# CITY OF SWEET HOME PLANNING COMMISSION MINUTES

January 05, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:31 PM.

## Roll Call of Commissioners

### PRESENT

Jamie Melcher  
Henry Wolthuis  
Jeff Parker  
Eva Journey  
Laura Wood  
Todd Branson (6:32 video)

### ABSENT

David Lowman

### STAFF

Blair Larsen, Community and Economic Development Director  
Angela Clegg, Associate Planner

### GUESTS

Laura LaRoque, Udell Engineering and Land Surveying LLC, 63 E Ash St, Lebanon, OR 97355

## Public Comment.

None

## Meeting Minutes:

- a) December 1, 2022 Meeting Minutes

A motion to approve the minutes was made by Wood, Seconded by Wolthuis.  
Voting yea: Wood, Wolthuis, Parker, Journey, Branson  
Voting nay: None  
Abstain: Melcher

## Public Hearings:

- a) SD20-01 Extension

The public hearing was opened at 6:35 PM

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Commissioner Parker asked of the Committee if there were any ex parte, conflicts of interest or personal bias, there was none.

Associate Planner Clegg informed the Commission that they are deciding on the extension Duck Hollow II Subdivision based on SHMC 16.16.080.

Laura LaRoque of Udell Engineering and Land Surveying LLC, representing the applicant, testified to the delays causing the need for an additional extension.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The public hearing was closed at 6:39 PM

A motion to approve the Extension for Duck Hollow III was made by Melcher, seconded by Wolthuis.

Yea: Journey, Parker, Wolthuis, Melcher, Wood, Branson

Nay: None

Absent: Lowman

b) Application CU22-12 Staff Report

The Public Hearing was opened at 6:41 PM.

Commissioner Parker asked of the Committee if there were any ex parte, conflicts of interest or personal bias, there was none.

Associate Planner Clegg reviewed the staff report and purpose for the Conditional Use. Clegg reminded the Committee that the dog park is not part of the conditional use and the letters included with the packet pertain to the dog park, not the property line adjustments.

There was discussion between the Commission and staff as to the reason for the property line adjustments.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The public hearing was closed at 6:49 PM

A motion to approve the Conditional Use application CU22-12 was made by Journey, seconded by Wood.

Yea: Journey, Parker, Wolthuis, Melcher, Wood, Branson

Nay: None

Absent: Lowman

**Staff Updates:**

Clegg gave an update on the dog park. There will be a celebration of the dog park combined with an Arbor Day celebration in April.

Larsen gave an update on the process for the park systems master plan.

Clegg gave an update on development code corrections that will be coming to the Planning Commission for approval.

Clegg and Larsen gave updates on new staff joining CEDD.

Larsen gave an update on the Transportation System Plan update and the need for a member of the commission to be a representative on the committee. Melcher and Journey stated that they are interested. Staff will supply a timeline at the next Planning Commission meeting, and then the Commission will decide on the representative.

**Round Table Discussions** (Committee comments about topics not listed on the agenda)

none

**Adjournment**

The meeting was adjourned at 7:13 PM

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Jeffrey Parker Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



## City of Sweet Home

Community and Economic Development Department- Planning Program

3225 Main Street, Sweet Home, OR 97386 541-367-8113

### SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** This is an application to vacate an undeveloped portion of Redwood Street in the City of Sweet Home, Oregon. The portion of Redwood Street proposed to be vacated is a dead-end street, approximately 500 feet long, located north of Highway 20 and west of 53<sup>rd</sup> Avenue.

**APPLICANT:** William Ruby  
**OWNER:** City of Sweet Home  
**FILE NUMBER:** VC22-01  
**PROPERTY LOCATION:** Redwood Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27AC, abutting the north boundary of Tax Lot 1200 and the south boundary of Tax Lot 1204.  
**REVIEW AND DECISION CRITERIA:** Oregon Revised Statutes (ORS) 271.110, 271.120  
**STAFF CONTACT:** Angela Clegg. Phone: (541) 367-8113  
Email: [aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)

#### I. PROJECT AND PROPERTY DESCRIPTION

##### Zoning and Comprehensive Plan Designations:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Public Right-Of-Way Street	Public Right-Of-Way Street
Property North	Residential Low Density (R-1)	Medium Density Residential
Property East	Residential Low Density (R-1)	Medium Density Residential
Property South	Residential Low Density (R-1)	Medium Density Residential
Property West	Residential Low Density (R-1)	Medium Density Residential

##### Property Information:

- Floodplain:** Based on a review of the FEMA flood insurance rate map; Panel 41043C0916G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.
- Wetlands:** The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.
- Access:** Tax Lots 1200, 1203, 1204, 1205, 1208, 2000 shall be accessed via an existing private access easement off 53<sup>rd</sup> Avenue. The easement is approximately 125 feet south of the existing Redwood Street and approximately 60 feet north of the railroad tracks.
- Sidewalks:** There are no existing sidewalks along 53<sup>rd</sup> Avenue and no development is planned with this vacation.

## **Notice and Timelines**

Application Received:	November 17, 2022
Application Deemed Complete:	December 13, 2022
Notice Distribution per ORS 271.110:	December 21, 2022
Notice Published in New Era Newspaper:	December 28, 2022
120-Day Processing Deadlines:	April 27, 2023

## **II. COMMENTS RECEIVED**

### **CEDD Engineering:**

Regarding the vacation of Redwood St west of 53<sup>rd</sup> Ave, the Right-of-Way Vacation of Redwood St will not change the access routes that residents use in the area. Redwood St is unimproved with no roadway infrastructure. The platted ROW is 40 ft wide, 490 ft long, with no road base or pavement. At the west end of the ROW, there is about 100 ft of a gravel shared driveway accessing the four existing residences. The remaining 390 ft is natural vegetation, with a steep incline at the 53<sup>rd</sup> Ave end. They currently use a private easement roadway across private property and part of the AERR right-of-way at the 53<sup>rd</sup> Ave RR crossing location. No one has used the current ROW area since there is a 15-20 ft elevation difference from 53<sup>rd</sup> Ave to the lower section. New development will continue the use of that private drive. The Albany & Eastern Railroad should be consulted regarding the addition use of the driveway. We would also recommend that any improvements to the driveway be made to pull the alignment further to the north, increasing the distance to the RR crossing. The Railroad has driveway permitting authority to 155 ft from the rails, with this driveway within that distance, and is pre-existing. While it cannot be brought into compliance with the standard, the proximity to the crossing can at least be increased.

It is recommended that if the proposed vacation is approved, that a new sign be placed near the entrance of the driveway to indicate the access. A private driveway would be designated and named as the official access – crossing private property – and with a new sign on the north side of the driveway, with white letters on a blue background, similar to city public street signs with green background. The blue color is the official MUTCD color that indicates private streets, with Sweet Home having 5 to 6 of these named roadways. This would be at the expense of the applicant and developer. Prior to this request, the only place an official street sign could be placed is at the actual ROW location.

The vacation of the right-of-way would return otherwise unused square feet to usable land. Since it was platted with the surrounding neighborhood, the vacated area would be split 50-50 to the north and

south sides. Subsequent to that, the common property could be adjusted as needed, with the City Property Line Adjustment procedure.

Sanitary sewer utilities are only present in 53<sup>rd</sup> Ave. A previously discussed development proposal indicates that private sewer lift station(s) would be installed at each residence. These would connect to the City system near the driveway apron on 53<sup>rd</sup> Ave. There is no city water north of the RR tracks on 53<sup>rd</sup> Ave, although on 54<sup>th</sup> Ave water is present and can be extended north to the intersection of 53<sup>rd</sup> and 54<sup>th</sup>. This is at the discretion of the developer. Installing wells are the alternative option.

CEDD-ES has no concerns with the vacation other than a sign designating a private driveway and increasing the distance from the RR Crossing for the driveway.

**Public Works Division:** No comments as of the issuance of this staff report.

**Adam Leisinger  
Building Division:** Building Dept has no issues with this as long as the private driveway to future properties that access from the current private drive is brought up to current City Code Standard.

**Sweet Home Fire District:** No comments as of the issuance of this staff report.

**Public Comments:** No comments as of the issuance of this staff report.

### **III. REVIEW CRITERIA AND FINDINGS OF FACT**

An application for a Vacation of Public Right-of-Way is subject to the review criteria listed in ORS Chapter 271 – Use and Disposition of Public Lands Generally, Easements. The Planning Commission shall review the proposal, hold the hearings thereon as it deems proper and make recommendations to the Council. Staff Findings of Fact and analysis are as follows.

Redwood Street immediately west of 53rd Avenue, is an unimproved public-right-of-way (ROW). It contains no public infrastructure, pavement, curbing, storm drainage, or any other normal component of a typical right-of-way. It theoretically provides access to some properties; however, they all have access to 53rd Avenue via an access easement through one of the properties and the adjacent railroad right-of-way. Additionally, this portion of Redwood Street would be extremely expensive to develop due to topographical constraints—there is a severe 15-30-foot difference in grade on the west side of 53rd Avenue that would necessitate a large amount of fill and retaining walls, making development of the street cost prohibitive.

William Ruby, one of the affected property owners, is requesting that the City vacate this portion of Redwood Street in order to facilitate development of additional homes.

Rights-of-way are typically assumed to be initially given up by adjacent property owners, and when vacated, are usually divided down the middle, and each half is ‘returned’ to the property owners on each side.



#### **IV. CONCLUSIONS**

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

##### **Conditions of Approval:**

1. The applicant shall provide the City of Sweet Home a copy of the recorded survey plat for the Redwood Street Vacation of ROW before any further development is proposed on the abutting parcels.
2. Additional residential dwellings will require improvements to the private easement per SHMC 17.42.110(A)(4).
3. The Redwood Street sign be removed, and a private drive street sign be placed at the entrance of the private driveway.

#### **V. PLANNING COMMISSION ACTION**

In acting on a zone change application; the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and decide on this application.

##### **Motion:**

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

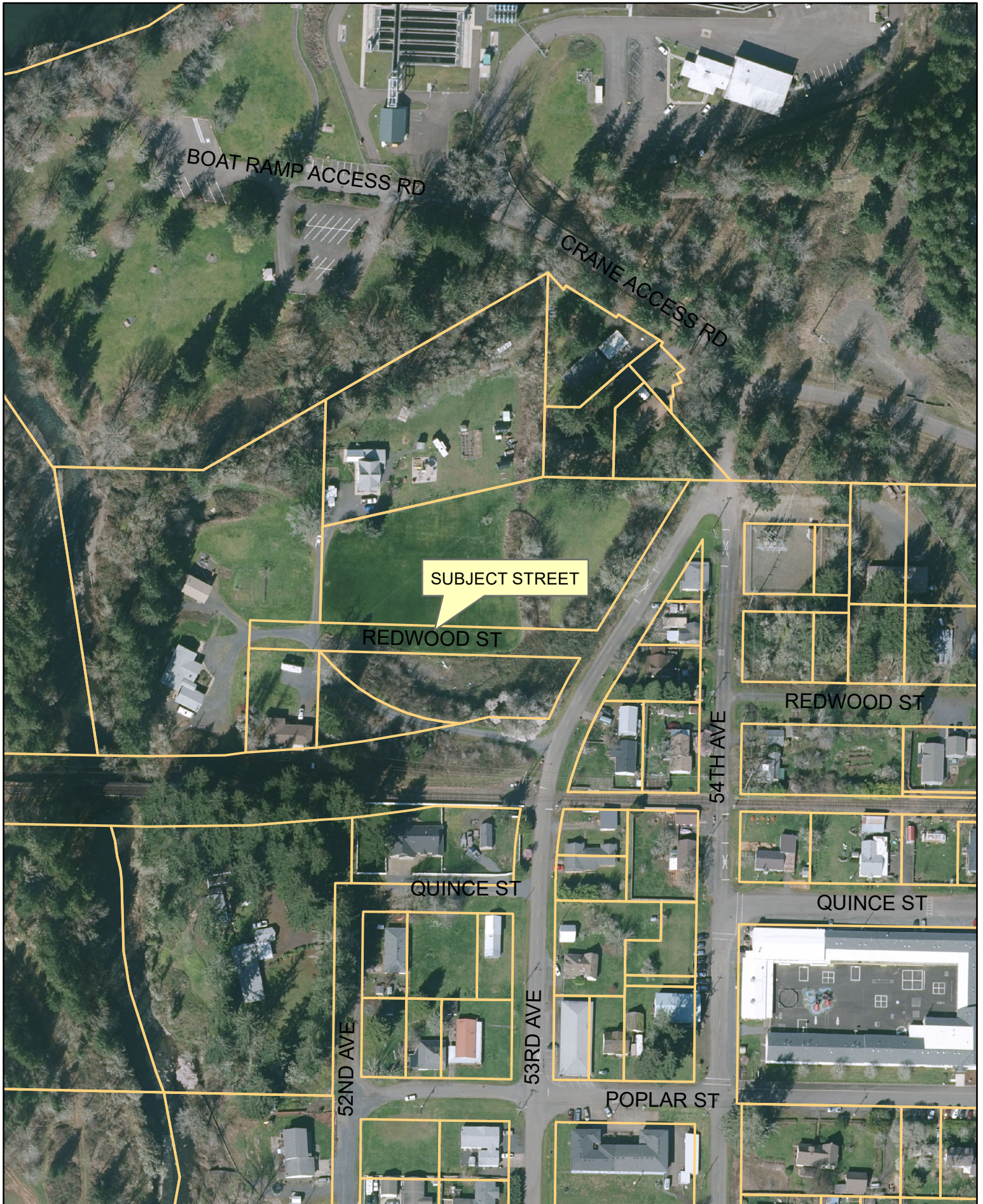
1. Move to recommend that the City Council approve application VC22-01, which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application VC22-01 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

#### **VI. ATTACHMENTS**

- A. Subject Property Map
- B. Proposed Site Map
- C. Application

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street through Friday, excluding holidays.





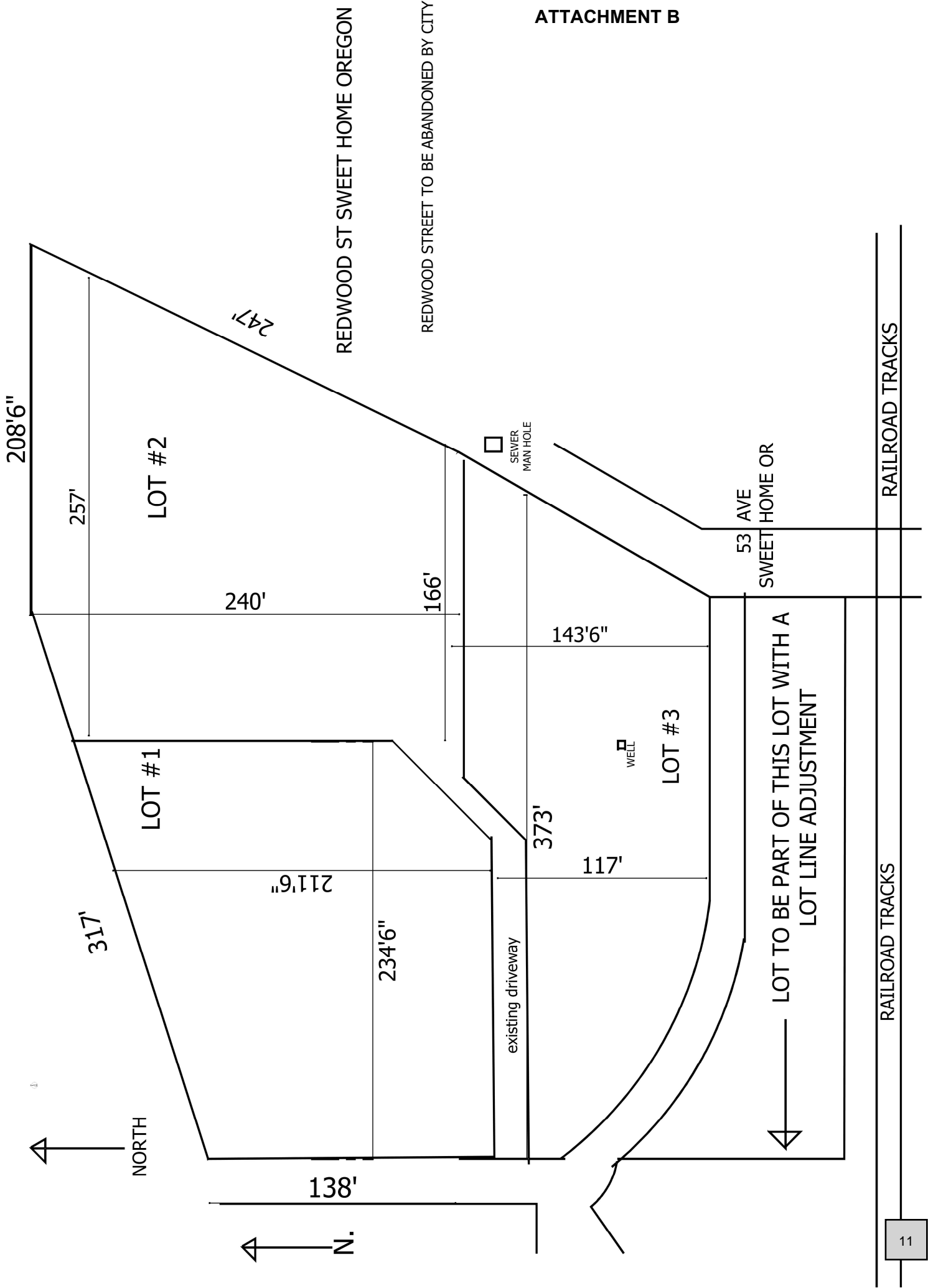
Subject Property Map  
Redwood Street Vacation



1 inch = 174 feet

Date: 12/21/22





**ATTACHMENT C**

**WILLIAM RUBY CONSTRUCTION**

**CONSTRUCTION**

**28322 Kingsbury Rd.**

**Lebanon Or. 97355**

**CCB# 128472**

**PHONE (541) 915-8885**

**Sweet Home City**

**Re. Redwood St.**

**I am William Ruby and I would like to request that Redwood St. Off of 53d st be vacated for the following reasons.**

**Redwood St off 53d st drops of approximately 30 feet straight down to the base elevation. Building a city street would not be cost effective for its intended purpose as a city street, as it would dead end at about 350 ft into private property.**

**Since the drop from 53d Ave would be so steep the cost to build a road 250 feet long with all the city services for 2 homes would not be cost effective.**

**The foot print for a road that deep would eliminate 1 complete lot for build a home on.**

**The vacation of Redwood St. would make the 2 lots available for the construction of 2 very nice homes, to be able to put on the tax base for the city.**

**Redwood st. Would not be useful to the city of sweet home to construct as it would dead end and not go anywhere. There will be no more lots to be useful for construction. It would only serve 2 lots that will have homes on them. The existing driveway that is now in use will serve the area and will be paved according to the new codes as stipulated by the City of Sweet Home.**

**Because of power lines and no city water there is no land divisions to be done in the future, on the property there. By vacating Redwood St, this will allow us to have 2 very nice homes and not cramp the life style of the existing property owners in the immediate area. One home has been installed on lot #1, approximately \$425,000.00, and with lot #2 and #3 figured at the same value, this will add about \$1,125,000.00 to \$1,150,000.00 to the Sweet Home tax base, depending on the value of all three homes, Plus or minus.**

**This is a very nice area and we would like to do what we can for the city. This would be a very nice area to live. Please help us in this, and consider the vacation of Redwood St.**

**Thank You**

**William Ruby**

**5250 Redwood St**

**John Cornell**

**5181 Redwood St**